

## **SUBCOMMITTEE NO. 4**

## **Agenda**

**Senator Mark DeSaulnier, Chair**  
**Senator Tom Harman**  
**Senator Gloria Negrete McLeod**  
**Senator Roderick Wright**



**Thursday, May 14, 2009**  
**9:30 a.m. (or upon adjournment of session)**  
**Room 112**

**Consultant: Brian Brown**

### **Part B - Open Issues**

#### **Item Number and Title**

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California Emergency Management Agency	
California Gambling Control Commission	
California Department of Corrections and Rehabilitation	
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## Vote Only Items

	Issue	2009-10 Amount	Fund Source
<b>California Emergency Management Agency (0690)</b>			
1	Tsunami Program	\$690,000	Federal
2	Transit Security Bond - Fund Transfer	\$0	Highway Safety, Traffic Reduction, Air Quality, and Port Security Fund of 2006
3	Transfer of Office of Gang and Youth Violence Policy	\$10,682,000	General, Restitution
4	Southern Regional Facility	\$1,857,000	Federal
5	Nuclear Planning Program	TBL	
6	Disaster Services Workers	TBL	
<b>California Gambling Control Commission (0855)</b>			
1	Provisional Language	BBL	
<b>California Department of Corrections and Rehabilitation (5225)</b>			
1	Technical Adjustment	\$0	General
2	Youthful Offender Block Grant quarterly payments	TBL	
3	Youthful Offender Block Grant reporting requirement	TBL	
4	Overtime reporting requirements	BBL	
5	Population budgeting methodology	BBL	
6	CIW - 20 Bed Psych. Services Unit - capital outlay	\$704,000	General
7	CRC - Install Bar Screen - capital outlay	-\$959,000	General
8	SCC - Effluent Disposal System - capital outlay	-\$4,851,000	General
9	MCSP - Wastewater Treatment Plant - capital outlay	-\$5,072,000	General
10	ISP - Heating, Ventilation, and Air Conditioning - capital outlay	-\$9,192,000	General
11	DVI - Minimum Support Dining Facility - capital outlay	-\$896,000	1988 Prison Construction GO Bond
12	Infrastructure Improvements (AB 900) - <i>reappropriation</i>	\$264,353,000	General
13	DVI - Groundwater Treatment - <i>reappropriation</i>	\$3,673,000	General
14	FSP - Renovate Branch Circuit Wiring - <i>reappropriation</i>	\$1,718,000	General
15	CIW - 20 Bed Psych. Services Unit - <i>reappropriation</i>	\$683,000	General
16	CRC - Install Bar Screen - <i>reappropriation</i>	\$113,000	General
17	SVSP - 64 Bed Mental Health Facility - <i>reappropriation</i>	\$6,230,000	Public Buildings Construction
18	PVSP - Bar Screen/Bar Lift - <i>reappropriation</i>	\$1,404,376	1990 Prison Construction Bond

## **California Department of Corrections and Rehabilitation (5225)**

**Departmental Overview.** Effective July 1, 2005, the California Department of Corrections and Rehabilitation (CDCR) was created pursuant to the Governor's Reorganization Plan 1 of 2005 and Chapter 10, Statutes of 2005 (SB 737, Romero). All departments that previously reported to the Youth and Adult Correctional Agency (YACA) were consolidated into CDCR and include YACA, the California Department of Corrections, Youth Authority, Board of Corrections, Board of Prison Terms, and the Commission on Correctional Peace Officers' Standards and Training.

The CDCR is responsible for the incarceration, training, education, and care of adult felons and nonfelon narcotic addicts, as well as juvenile offenders. The CDCR also supervises and treats adult and juvenile parolees, and is responsible for the apprehension and reincarceration of those parolees who commit new offenses or parole violations. The department also sets minimum standards for the operation of local detention facilities and selection and training of law enforcement personnel, as well as provides local assistance in the form of grants to local governments for crime prevention and reduction programs.

The department operates 33 adult prisons, including 12 reception centers, a central medical facility, a treatment center for narcotic addicts under civil commitment, and a substance abuse facility for incarcerated felons. The CDCR also operates six juvenile correctional facilities, including two reception centers. In addition, CDCR manages 13 Community Correctional Facilities, about 50 adult and juvenile conservation camps, the Richard A. McGee Correctional Training Center, and nearly 200 adult and juvenile parole offices, as well as houses inmates in 6 out-of-state correctional facilities.

**Budget Overview.** The 2009-10 General Fund budget for CDCR is \$9.8 billion, primarily for adult prison operations. This total is a decrease compared to the current year, primarily because of an unallocated 10 percent reduction to the Receiver's medical budget, as well as an unallocated \$400 million veto by the Governor. Overall, General Fund spending on corrections has more than doubled over the past decade, and CDCR's budget now makes up about 11 percent of total state General Fund spending.

### **Issue 1 – Mental Health Crisis Beds at California Medical Facility and San Quentin**

**Background.** The Mental Health Program Guide requires that an inmate suffering from an acute, serious mental disorder resulting in serious functional disabilities, or who is dangerous to self or others, be transferred to a Mental Health Crisis Bed Unit (MHCBU). If an inmate is housed in an institution that does not have an MHCBU, or if all MHCBU beds are filled at that institution, the inmate will be transferred to an institution with an available MHCBU bed. The MHCBU is part of the Mental Health Services Delivery System and is monitored by the *Coleman* court.

Per the Mental Health Program Guide, an inmate must be transferred to a MHCBU within twenty-four hours of referral. Currently, there are 336 mental health crisis beds located at 20 institutions. The average wait list for admission to a MHCBU is about 20 inmates at any given time.

**Governor's April Finance Letters.** The administration offers two April Finance Letter proposals to increase permanent staffing for MHCBU's. The administration proposes to add \$4.6 million and 43.5 positions in additional permanent staffing for the 50-bed MHCBU at the California Medical Facility (CMF) in Vacaville. This is in addition to 135 positions that were approved in the budget enacted in February.

The administration also proposes \$3.6 million and 26.6 positions to staff a new 20-bed MHCBU at San Quentin State Prison.

	California Medical Facility	San Quentin
General Fund	\$4,600,000	\$3,587,000
Positions	43.5	26.6

**Staff Comments.** Both of these facilities are staffed consistent with the Mental Health Workload Study which is intended to specify the necessary and appropriate staffing level for mental health treatment units in state prisons. Approval of these MHCBUs will allow the state to come closer to meeting the requirements of the *Coleman* court for the provision of constitutionally adequate mental health services to inmates. However, representatives of the plaintiffs in the *Coleman* case informed staff that they have raised concerns with the adequacy of the staffing levels designated in the Mental Health Workload Study, and that the Study may provide inadequate staffing levels for the department's inmate mental health program. The committee may want to ask the department what steps it has taken to address the concerns of the court regarding the adequacy of the Mental Health Workload Study.

**Staff Recommendation.** Approve both requests.

Staffing these two MHCBUs will allow the department to better meet the court-mandated treatment levels for seriously mentally ill inmates. The MHCBU at CMF has been in activation for about one year. The existing staff positions at this MHCBU were previously approved on a limited term basis to allow the department to identify the appropriate staffing complement consistent with the Mental Health Workload Study. This request, in combination with the positions approved in the February enacted budget, will provide permanent position authority at about the same level as currently approved (though there is some change in the compliment of positions requested). Therefore, there is no significant increase in costs for the CMF MHCBU compared to the current year. The MHCBU at San Quentin is new.

## **Issue 2 – Budget Bill Language: Division of Juvenile Justice Reforms**

**Background.** The CDCR is currently enacting various reforms to revise staffing standards within DJJ which were established by the court in the *Farrell v. Cate* lawsuit. The reforms would streamline DJJ's operations, thereby resulting in General Fund savings. The CDCR does not expect to achieve significant savings from these reforms until fiscal year 2010-11. However, it is possible that some level of savings could be achieved in 2009-10 depending on when specific reforms are enacted.

**Governor's May Finance Letter.** The administration proposes Budget Bill Language to authorize the Department of Finance to reduce appropriations in DJJ based on savings identified by CDCR related to the reforms to be implemented.

**Staff Comments.** Given numerous changes in the population levels and staffing compliments in DJJ facilities, it is reasonable that the department may be able to achieve budget savings in this area. However, without a current housing and staffing plan in place, it is unclear what these changes will include. It is possible, for example, that the staffing changes could include consolidation of wards in fewer juvenile facilities, necessitating facility closures or repurposing. Given the potential for significant programmatic staffing and facility changes, it is appropriate for the Legislature to have the opportunity to review CDCR's plans before it attempts to implement such changes.

**Staff Recommendation.** Approve modified version requiring notification to the Joint Legislative Budget Committee prior to the enactment of any budget reductions.

## **Issue 3 – Budget Bill Language: General Fund Reversions**

**Background.** The Budget Act of 2008 contained provisions in Item 5225-001-0001 and Item 5225-002-0001 that restricted appropriations for specific programmatic and operational purposes specified in that year's supplemental report. These provisions specified that any unspent funds were to revert to the General Fund. Similar language was not included in the budget enacted in February for 2009-10.

**Staff Comments.** These provisions and supplemental reporting increase accountability by ensuring that resources provided by the Legislature for specific programs and activities are not diverted to other purposes.

**Staff Recommendation.** Approve the addition of budget bill language and supplemental reporting that reverts to the General Fund any unspent amount of General Fund resources provided to the CDCR for specified purposes in fiscal year 2009-10 in items 5225-001-0001 and 5225-002-0001.

## **Issue 4 – CSP-Sac Enhanced Outpatient Treatment and Office Space (Capital Outlay)**

**Background.** In the current year budget, the Legislature approved preliminary plans for the conversion of a warehouse at the California State Prison – Sacramento (CSP-Sac) to office and treatment space for the institution's mental health program. Funding for working drawings (\$1.1 million) is currently included in the 2009-10 budget.

**Governor's May Finance Letter.** The administration proposes two changes to funding for this project. First, the department proposes to reduce funding for working drawings by \$194,000 based on updated cost estimates. Second, the administration proposes to include funding for the construction phase of this project based on the current estimate that this work could begin in February 2010. The addition of construction funding would add \$13,174,000 in General Fund costs in the budget year.

**Staff Comments.** The advancement of construction funding to the budget year would allow the department to begin and probably complete this project about four months earlier than if construction funding were not included until the 2010-11 budget year. Completion of this project will help the department meet the needs of the *Coleman* court for the improvement of mental health treatment for state inmates. However, beginning the construction phase of this project during the budget year will increase budget year General Fund costs by \$13.2 million. Given the projection of ongoing budget year shortfalls, the Legislature will need to consider whether the state budget should include plans to advance the construction of this project by four months into the budget year at a cost of \$13.2 million in the budget year.

**Staff Recommendation.** Hold open.

## **Issue 5 – CTF, DVI, and FSP Solid Cell Front Projects (Capital Outlay)**

**Background.** Generally, all state prisons have administrative segregation units, commonly referred to as "adseg." These adsegs are used to house inmates who need to be removed from the general population. Typically, this occurs when an inmate is assaultive or commits other in-prison violations. An inmate can also be housed in adseg for his or her own protection. Over the past several years, the department has been replacing barred cell doors at adsegs with solid cell doors that provide better safety for staff who approach or pass by these cells. The Governor proposed the initiation or continuation of three such projects in January. However, the 2009-10 budget enacted by the Legislature did not include these projects, instead deferring these projects until 2010-11.

**Governor's April Finance Letters.** The administration proposes the same three projects previously proposed but not included in the enacted 2009-10 budget. In total, these three projects would cost \$6.6 million (General Fund) in the budget year.

	<b>Amount</b>	<b>Phase</b>
Correctional Treatment Facility	\$6,030,000	Construction
Deuel Vocational Institution	\$374,000	Working drawings
Folsom State Prison	\$231,000	Preliminary plans
<b>Total</b>	<b>\$6,605,000</b>	

**Staff Comments.** The Legislature has previously supported the conversion of adseg doors to solid cell fronts for the protection and safety of staff who can be easily assaulted by inmates in adseg cells with barred doors. While these projects are worthwhile and would serve to better protect staff working in these facilities, it may be necessary to postpone these projects given the ongoing budget shortfall currently projected.

**Staff Recommendation.** Hold open.